

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55441-2022 (O&M)

Date of Decision : 05.07.2023

Amarjeet Kaur & Another

....Petitioners

VERSUS

State of Punjab and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Munish Puri, Advocate for the petitioners.

Mr. Jaiteshwar S. Bhandari, AAG Punjab for respondent No.1.

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ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in FIR No.110 dated 11.11.2022 registered under Sections 354/452/506/323/120-B/148/149 of the Indian Penal Code, 1860 at Police Station Sadar District Pathankot.

2. On 30.11.2022 the following order was passed :

“Present petition is under Section 438 Cr.P.C for seeking anticipatory bail to the petitioners in case FIR No.110 dated 11.11.2022 registered under Sections 354/452/506/323/120-B/148/149 of the Indian Penal Code, 1860 at Police Station Sadar District Pathankot.

Learned counsel for the petitioner contends that petitioner No.1 is the mother-in-law and petitioner No.2 is aunt (Chachi saas) of the complainant. The marriage

of the complainant was solemnized with Palwinder Singh, the son of petitioner No.1 on 25.03.2015. Palwinder Singh is serving in Indian Army and posted in Sikkim. There are general and vague allegations with regard to the beatings given on 14.07.2022 by the petitioners and others. However, the matter was not reported at any forum at that point of time. There are allegations to the effect that on 06.11.2022, the injuries were inflicted upon the complainant and her modesty was outraged. The name of the petitioners does not find mention in the occurrence dated 06.11.2022. In fact, the complainant had left the matrimonial house on 14.07.2022 along with her minor daughter and Annexure P-3 is the combined statement in this regard. On 06.11.2022, the complainant along with her relatives and other persons came to the house of the petitioners with an intention to take forcible possession. The injuries were inflicted upon Sukhdev Singh and Balwinder Singh who are the husband and son respectively.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State.

Adjourned to 14.02.2023.

Meanwhile, it is directed that in the event of arrest, the petitioners be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that they join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioners would contend that the parties have since compromised the matter and a petition for quashing of the FIR on the basis of compromise has also been filed.

4. Learned counsel for the State, on instructions from ASI Parkash Chand, states that the petitioners have since joined investigation and are fully co-operating and that they are no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 30.11.2022 is made absolute. The petitioners shall, however, join investigation as and when called for. The petitioners shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

05.07.2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO